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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,407	09/03/2003	Matthew A. Mostad	41698.1102	5457

7590 01/24/2006

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EXAMINER

PATEL, HEMANT SHANTILAL

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/654,407	MOSTAD, MATTHEW A.	
	Examiner	Art Unit	
	Hemant Patel	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-7, 12-13, 18, 20-24, 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Uppaluru (US Patent No. 5,915,001).

Regarding claim 1, Uppaluru teaches a method for handling a call from a user, comprising:

obtaining information identifying the user (col. 3, ll. 1-4, phone number, social security number);

obtaining, based on the information, a record containing data concerning a call handling style preferred by the user (col. 3, ll. 4-7, using this number to get personal home page specifying user attributes and preferences in a linked user profile);

generating, based on the call handling style, a message for greeting the user (col. 3, ll. 45-46, 50-51, using user preferences relative to information selection, configuration and presentation and dynamically retrieving suitable information) and

delivering the message to the user during the call (col. 12, ll. 22-24, information presented to the subscriber over the telephone by the voice web browser).

Regarding claim 3, “The method of claim 1, wherein the information includes a voiceprint”, Uppaluru teaches of voice imprints for authentication (col. 2, ll. 46-47).

Regarding claim 4, “The method of claim 1, wherein the information includes a PIN”, Uppaluru teaches of subscriber PIN (col. 15, ll. 61-62).

Regarding claim 5, “The method of claim 1, wherein the information includes a password”, Uppaluru teaches of subscriber password (col. 3, ll. 7-10).

Regarding claim 6, “The method of claim 1, wherein the message comprises one or more variable parameters whose representations are determined when the call is received”, Uppaluru teaches of retrieving subscriber requested information and incorporating it for presentation to the subscriber when the call is received (col. 12, ll. 10-13).

Regarding claim 7, “The method of claim 6, wherein the variable parameters are time-sensitive”, Uppaluru teaches of variable parameters i.e. dynamically retrieved stock quotes which are time-sensitive (col. 11, ll. 51-59).

Regarding claim 12, Uppaluru teaches of a method for greeting a caller, comprising:

receiving a call from the caller (col. 15, ll. 52-55);

obtaining data concerning a call handling style preferred by the user (col. 3, ll. 4-7, getting personal home page specifying user attributes and preferences in a linked user profile);

selecting, based on the data, a message for greeting the user, the message including at least one variable parameter;

determining information represented by the variable parameter (col. 3, ll. 45-46, 50-51, using user preferences relative to information selection, configuration and presentation and dynamically retrieving suitable information);

inserting the information in place of the variable parameter in the message (col. 12, ll. 22-23, generating a voice web page including retrieved information); and

providing the resulting message to the user during the call (col. 12, ll. 22-24, information presented to the subscriber over the telephone by the voice web browser).

Regarding claim 13, refer to rejections for claim 7 and claim 12.

Regarding claim 18, it recites of a system that substantively implements method as claimed in claim 1. Refer to rejections for claim 1.

Regarding claim 20, refer to rejections for claim 3 and claim 18.

Regarding claim 21, refer to rejections for claim 4 and claim 18.

Regarding claim 22, refer to rejections for claim 5 and claim 18.

Regarding claim 23, refer to rejections for claim 6 and claim 18.

Regarding claim 24, refer to rejections for claim 7 and claim 23.

Regarding claim 29, it recites of a system that substantively implements method as claimed in claim 12. Refer to rejections for claim 12.

Regarding claim 30, refer to rejections for claim 13 and claim 29.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 8, 14, 19, 25, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uppaluru as applied to claims 1, 12, 18, 29 above, and further in view of Ferrer (US Patent No. 6,700,965 B1).

Regarding claim 2, "The method of claim 1, wherein the information includes an automatic number identifier (ANI) associated with call", Uppaluru teaches of using phone number as user identity (col. 3, ll. 3-4) but does not specifically teach of automatic number identifier (ANI) associated with call.

However, in the same field of endeavor, Ferrer teaches of using ANI associated with the call (Fig. 2B, item 240).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Uppaluru to use ANI associated with the call as taught by Ferrer in order to locate user specific preference data.

Regarding claim 8, "The method of claim 1, wherein the call handling style includes humor", Uppaluru does not teach of humor as call handling style.

However, in the same field of endeavor, Ferrer teaches of using humor as one of the user identity choices to handle the call (col. 3, ll. 15-18).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Uppaluru to use humor as one of the identities to handle the call as taught by Ferrer in order to provide user preferred voice response.

Regarding claim 14, refer to rejections for claim 8 and claim 12.

Regarding claim 19, refer to rejections for claim 2 and claim 18.

Regarding claim 25, refer to rejections for claim 8 and claim 18.

Regarding claim 31, refer to rejections for claim 14 and claim 29.

5. Claims 9-10, 15-16, 26-27, 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uppaluru as applied to claims 1, 12, 18, 29 above, and further in view of Emery (US Patent No. 5,353,331).

Regarding claim 9, “The method of claim 1, wherein the call handling style relates to a lifestyle”, Uppaluru does not teach of relating lifestyle to call handling style.

However, in the same field of endeavor, Emery teaches of using user’s lifestyle to customize service for the user (col. 22, ll. 10-12).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Uppaluru to include user’s lifestyle as taught by Emery in order to customize the response to the user based on his/her lifestyle preference.

Regarding claim 10, “The method of claim 9, wherein the lifestyle relates to a businessperson lifestyle”, Uppaluru does not teach of relating lifestyle to businessperson lifestyle.

However, in the same field of endeavor, Emery teaches of using user’s business style to customize service for the user (col. 22, ll. 10-12).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Uppaluru to include user’s business style as taught by

Emery in order to customize the response as per user preference based on his/her business related style.

Regarding claim 15, refer to rejections for claim 9 and claim 12.

Regarding claim 16, refer to rejections for claim 10 and claim 15.

Regarding claim 26, refer to rejections for claim 9 and claim 18.

Regarding claim 27, refer to rejections for claim 10 and claim 26.

Regarding claim 32, refer to rejections for claim 15 and claim 29.

Regarding claim 33, refer to rejections for claim 16 and claim 32.

6. Claims 11, 17, 28, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uppaluru and Emery as applied to claims 9, 15, 26, 32 above, and further in view of Brandenburg (US Patent No. 6,834,195 B2).

Regarding claim 11, "The method of claim 9, wherein the lifestyle relates to a skier lifestyle", Uppaluru and Emery do not teach of relating lifestyle to skier lifestyle.

However, in the same field of endeavor, Brandenburg teaches of specifying biographic (defined as relating to the facts or events in a person's life by The American Heritage College Dictionary, Fourth Edition, ISBN 0-618-45300-8, Pg. 143) and demographic (defined as the characteristics of human population when used to identify consumer market by The American Heritage College Dictionary, Fourth Edition, ISBN 0-618-45300-8, Pg. 377) in user profile (Fig. 1L). It further teaches of specifying Ski Club as an organization to organize the related content in a node (col. 36, ll. 32), and

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delivering it to the user according to the preferences specified by the user in the user profile (Abstract).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Uppaluru and Emery to include user's preference as a skier as taught by Brandenburg in order to receive information related to skiing.

Regarding claim 17, refer to rejections for claim 11 and claim 15.

Regarding claim 28, refer to rejections for claim 11 and claim 26.

Regarding claim 34, refer to rejections for claim 17 and claim 32.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant Patel whose telephone number is 571-272-8620. The examiner can normally be reached on 8:00 AM - 5:00 PM.

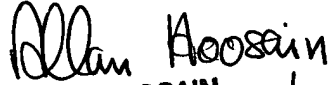
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hemant Patel
Examiner
Art Unit 2645

HSP


ALLAN HOOSAIN
PRIMARY EXAMINER for
